COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 25, 2008

OFFICE CORRESPONDENCE FILE NO. SH2182693

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY CHRISTOPHER BERGO #[redacted]
DEPUTY GRANT ROTH #[redacted]
PALMDALE STATION

On October 29, 2006 at approximately 0325 hours, Deputies Bergo and Fender responded to a call of an assault with a deadly weapon. Upon arrival they contacted multiple stabbing victims and were directed to a location where the suspect was last seen. The victim at that location told the deputies that the suspect entered his house and that others were in the house. The deputies heard several women and children inside the home screaming that a man was inside, that he had stabbed someone, and that he was attempting to enter their room to stab them.

Deputies approached the front door and saw Suspect Mora standing in the house holding a knife. He dropped the knife when ordered to do so, but then tried to pick it up again. A fight ensued to prevent him from grabbing the knife.

During the fight, Suspect Mora took Deputy Roth's gun away. As they fought for control, Suspect Mora fired one round which struck Deputy Fender in the chest. Believing Deputy Roth had been shot, Deputy Bergo fired three rounds in the direction of Suspect Mora's head. Deputy Roth regained control of his weapon and also fired in the direction of Suspect Mora's head. Paramedics pronounced Suspect Mora dead at the scene at 0400 hours.

Deputy Fender, who was struck by the round Suspect Mora fired, was air lifted to Holy Cross Hospital. He received a soft tissue injury to his left chest area when he was struck in his protective vest.

On September 25, 2008 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Christopher Bergo #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Grant Roth #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith

Eric B. Smith, Commander

EBS:YLW:yw

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2182693

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
10-29-06	Palmdale Station	☐	☒

Incident Information

URN: 006-80132-2608-011	Date: October 29, 2006 — Time: 00345 Hours
City or Station: Palmdale	Nature of Incident: Deputies confront 245 suspect in hallway of residence. Suspect attempted gun take away and fired two shots from deputies gun striking one deputy. Deputies fired at still struggling suspect.
Location: [redacted] Dunmore Avenue	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: Alley

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy
Fog
Rain

Distance:

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
4	2

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Fender	Joseph	E.	**EM** PM Day	**Regular** Overtime Off Duty
[redacted]	Lemke	Charles		**EM** PM Day	Regular **Overtime** Off Duty
[redacted]	Mohr	Brian		**EM** PM Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Oppenheim	Daniel		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Gunn	Anthony	L.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Johnsen	Robert	A..

PSTD Use Only
SH # ______

Officer Involved Shooting

URN: 006-80132-2608-011

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
October 29, 2006	0700 hrs	09-10-08	

Employee #	Last Name	First Name	M.I
[redacted]	Smith	Richard	G.
[redacted]	Baird	Marshall	W.
[redacted]	Parker	Michael	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Martin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	BR	9			NN	
S#1	E#2	FH	BR	9			NN	
S#1	W/Fender	FH	BR	9			SD	CH
S#1	W/Lemke	FH	BR	9			NN	
S#1	W/Mohr	FH	BR	9			NN	
S#1	W/Crosby	FH	BR	9			NN	
E#1	S#1	FH	BR	9	Y	Y	DH	HE
E#2	S#1	FH	BR	9	Y	Y	DH	HE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 006-80132-2608-011

Involved Employee

E 1

Employee # [redacted]	Last Name: Bergo	First Name: Christopher	M.I.: K.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 266A
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): Regular **Overtime** Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8 hrs.	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'0 Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 3	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Roth	First Name: Grant	M.I.: E.
Sex: M Race: W	Rank: Deputy	Unit Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 266A
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8 Hours	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 601 Weight: 220		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 1	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name: Mora	First Name: Juan	M.I.: A.
AKA Last Name:	First Name:	M.I.:

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 23 D.O.B. 09-27-83	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case # 2006-08292	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make	Model:	Year:	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S __

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Crosby	Steven		Palmdale Station	93550	(661)272-2429	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

HIT SHOOTING
EVALUATION

UNIT: Palmdale Station
DATE: October 29, 2006
TIME: 0330 hours
LOCATION: [redacted] Dunmore Avenue, Palmdale, CA 93530
URN#: 006-80132-2608-013
IAB#: SH2182693

NATURE OF INCIDENT: On Sunday, October 29, 2006, Sergeants Richard Smith and Marshal Baird of the Internal Affairs Bureau responded to [redacted] Dunmore Avenue, Palmdale, regarding a Deputy Involved Shooting involving Palmdale Station personnel. IAB Lieutenant Michael Parker also responded to the incident and checked to see that the watch commander, Lieutenant Robert Jonsen, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Parker checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators. Lieutenant Al Grotefend, Detective's Joe Romero, George Martinez, Richard Garcia, Robert Harris, Don Walls and Sandra Nava from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel as well as the information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package **(refer to Exhibit A).**

On October 29, 2006, at approximately 0325 hours, Deputies Christopher Bergo and Joseph Fender were on patrol in the city of Palmdale, when they received a call of an assault with a deadly weapon. They responded to Avenue Q-4 where they encountered Victim [redacted] bleeding profusely outside a residence. Deputies entered the residence where they encountered a second victim, [redacted] who was soaked in blood. Deputies searched the location for any other victims and secured it. They returned to their vehicle and began to search for the suspect.

As they searched the immediate neighborhood they encountered a third victim, [redacted] at the corner of 35th Street East and Palmdale Boulevard. Victim [redacted] hands were covered in blood as a result of being stabbed. [redacted] told deputies that he had been stabbed by an unknown man who entered his home.

[redacted] directed the deputies to his residence at [redacted] Deputies Bergo and Fender responded to the Dunmore location were they met other responding deputies, including Deputy Grant Roth. The deputies noticed that there were several women and children inside the home screaming that a man was inside and that he had stabbed someone and was attempting to enter their room and stab them.

Deputy Bergo and assisting deputies approached the front door and noticed an individual later identified as Juan Mora inside the house holding a knife. Mora appeared to be under the influence and had a "crazy look on his face." Deputies entered the house and ordered Mora to take his hands out of his pockets. Mora complied, producing a knife and dropping it to the floor. He then placed his hands in his pockets and refused commands to show his hands and lie on the floor. Mora then attempted to pick up the knife. As he tried to grab the knife, Deputy Roth kicked Mora twice to prevent him from regaining possession of the knife. Mora then began to walk down the hall in the direction of the bedrooms where the woman and children were located.

Mora continued to disregard the deputies' commands to lie on the ground, at which time he turned, faced the deputies, put his hands down his sides and took a combative stance. Deputy Roth grabbed the suspect by the shoulders and took him to the ground. During the struggle Roth heard a gunshot. He looked down and noticed that the suspect had obtained possession of his duty weapon. As Roth continued to struggle for possession of the handgun, Mora turned the weapon in his and Deputy Bergo's direction. Roth was able to push the suspect's hand down and move his head from the line of fire as the suspect fired a second time. One of the shots fired by the suspect hit Deputy Joseph Fender in the chest.

Believing that Deputy Roth had been shot, Deputy Bergo un-holstered his weapon, reached over the top of Deputy Roth's shoulder and fired approximately three times in the direction of Mora's head. Roth was able to regain possession of his weapon and fire in the direction of Mora's head. Mora stopped struggling. Paramedics were called and responded to the scene. Mora was pronounced dead at the scene without any medical intervention at 0400 hours.

Deputy Fender was air lifted to Holy Cross Hospital. He received a soft tissue injury to his left chest area when he was struck in his protective vest by the bullet fired by Suspect Juan Mora.

INVOLVED PERSONNEL:

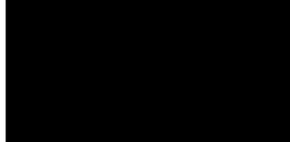
BERGO, Christopher, Deputy Sheriff, #[redacted]
Palmdale Station, Field Operations Region I

ROTH, Grant, Deputy Sheriff, #[redacted]
Palmdale Station, Field Operations Region I

EMPLOYEE WORK HISTORY:

BERGO, Christopher, Deputy Sheriff, #[redacted]
Palmdale Station, Field Operations Region I

Date of Employment:	October 30, 1996
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	



ROTH, Grant, Deputy Sheriff, #[redacted]
Palmdale Station, Field Operations Region I

Date of Employment	August 4, 2004
Date Assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incidents	(1) 07-21-06, Palmdale, **SH2176359,** Armed Person
Prior Founded Force Incidents	[redacted]

SUSPECT:

MORA, Juan, MH/23 yrs. DOB: 09-28-1983, 511, 200 lbs., black/brown
[redacted]
Deceased

Suspect Mora's criminal history [redacted]

Refer to Exhibit A, page 127 of the Homicide Book.

INVOLVED DEPUTY WITNESSES:

1. **Fender, Joseph,** Deputy Sheriff #[redacted]
2 **Lemke, Charles,** Deputy Sheriff #[redacted]
3. **Mohr, Brian,** Deputy Sheriff #[redacted]
4. **Crosby, Steven,** Deputy Sheriff #[redacted]

NON-DEPARTMENT WITNESSES:

1. [redacted] FH/22
2. [redacted] FH/29
3. [redacted] FH/30
4. [redacted] MH/13

INJURIES:

Suspect:

Suspect Mora died as a result of multiple gunshot wounds to his head and neck.

Deputy Personnel:

Deputy Fender received a soft tissue injury to his left chest area when he was struck in his protective vest by a bullet fired by Suspect Mora from Deputy Grant Roth's handgun.

PHYSICAL EVIDENCE:

Refer to Homicide case book, **Exhibit A, pages 91-116**, for information regarding evidence obtained and processed.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during the hours of darkness in the hallway of a single family residence. The hallway was illuminated by an overhead light fixture containing a single light bulb approximately ten feet from the incident location in the hallway.

WEAPONS USED BY SUSPECT:

Suspect Mora engaged in a struggle with Deputy Roth for Deputy Roth's handgun, a Beretta 9MM, Model 92F. Suspect Mora was able to fire two rounds during the struggle.

PROPERTY DAMAGE:

None

CHARGES FILED:

None - suspect deceased.

On October 22, 2007, District Attorney Roy Delgado concluded that Deputy Roth and Bergo acted reasonably and lawfully in self-defense and in defense of others when they used deadly force against Juan Mora. Refer to **Exhibit B,** Letter of opinion by District Attorney's Office.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY CHRISTOPHER BERGO
Service Weapon- Beretta, 92F (Serial Number BER[redacted]), Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Three rounds fired and thirteen left in the magazine.
Shell Casings- Three 9mm shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:

DEPUTY GRANT ROTH
Service Weapon- Beretta, 92F (Serial Number BER [redacted], Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Three rounds fired (two by the suspect) and thirteen left in the magazine.
Shell Casings- Three 9mm shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]

Date Last Trained With Weapon:

All weapons were examined, test fired, and found to be functional by Firearms Examiner Edmund J. Anderson #[redacted] **Lab Receipt Numbers J814163** and **J814164** of the Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A, Homicide Book page 91)**

INVOLVED DEPUTIES' STATEMENTS:

Deputy Christopher Bergo, #[redacted] was interviewed by Homicide Investigators Romero and Martinez on October 29, 2006, at 1220 hours. Sergeants Jack Ramirez and Irma Chevalier of Internal Affairs Bureau interviewed him on August 6, 2008, at approximately 1154 hours. The following is a summary of both interviews.

Deputy Bergo said he and Deputy Fender were working 266A EMs on the evening of October 29, 2006. He said they responded to an assault with a deadly weapon call on Avenue Q-4. He said as he and Deputy Fender were arriving at the location, they noticed Victim #1 [redacted] outside the residence and also noticed he had been shot or stabbed, because he was bleeding profusely from his wounds.

Deputy Bergo said he and Deputy Fender entered the home and encountered Victim #2 [redacted] who was soaked in blood. He said they entered the home to check for additional victims and noticed blood throughout the interior of the residence. He said they checked the location for additional victims which met with negative results. He said they returned to their patrol vehicle and began to search the neighborhood for the suspect.

Deputy Bergo said as they checked the immediate neighborhood for the suspect, they encountered a third victim, [redacted] at the corner of 35th Street East and Palmdale Boulevard. He said they immediately noticed his hands were covered in blood and believed he could possibly be the suspect. He said further investigation revealed [redacted] was in fact the third stabbing victim. Victim [redacted] told Deputies Bergo and Fender he had been stabbed by a suspect who had entered his home. Deputy Bergo said Victim [redacted] directed them to the residence at [redacted]

Deputy Bergo said, based on Victim [redacted] telling them the suspect was now at [redacted] they responded to that location. He said as they arrived, one unit was already on scene setting up a containment. He said they saw two females hanging out of a window (first story). He said they were screaming that someone inside of the house had stabbed some people and he was now attempting to stab them. Deputy Bergo said they looked inside the window were the women were and noticed approximately six kids inside of the same bedroom. He said he noticed mattresses were stacked upright as barricades against the door.

Deputy Bergo said the following Deputies were also at the location: Fender, Roth, Mohr, Crosby and Lemke. He said they talked amongst themselves and decided that they better get to the front door before the suspect attempted to harm the women and children. Deputy Bergo said he asked if anyone had a taser or the stunbag gun, but no one did. He said Deputy Crosby had a shotgun, so they decide to take that into the location with them.

Deputy Bergo said he did not think there was enough time to evacuate the women and children from the bedroom window. He said he felt the situation was similar to an active shooter scenario, and believed their best option was to make entry and engage the suspect.

Deputy Bergo said he was number one in the lineup and Deputy Roth was number two; he could not remember the rest of the lineup into the residence. Deputy Bergo said there was a window just to the left of the front door. He said he looked inside and saw the suspect, who had a crazed look on his face. Deputy Bergo said as they entered the location, they all went to the right and were in a half circle configuration. He said Deputy Roth was now closest to the suspect, who had just come from the hallway. He said someone told the suspect to take his hands out of his pockets. Deputy Bergo said after being told several times, the suspect removed his hands from his pockets and a knife fell to the ground.

Deputy Bergo said the knife fell down by the suspect's feet. He said the suspect then focused on the shotgun that Deputy Crosby was holding. Suddenly the suspect started to reach down for the knife. Deputy Roth kicked the suspect in the upper legs in an attempt to keep him from reaching for the knife. The kick caused the suspect to go backwards. The suspect then began to reach for the knife again and Deputy Roth proceeded to kick him a second time. Deputy Bergo said the suspect then began walking down the hallway in the direction of where the women and children were barricaded. Deputy Bergo said they started down the hallway after the suspect.

Bergo said Deputy Roth led the way. The hallway was dark because the only light was coming from underneath one of the bedroom doors. The hallway was very narrow. Deputy Bergo said he holstered his weapon and removed his Winchester expandable baton as he walked down the hallway. He said suddenly Deputy Roth and the suspect began fighting in the hallway. Deputy Bergo said he could not tell if Deputy Roth was striking the suspect or blocking the suspect's punches. Deputy Bergo said he never used the baton because he was afraid of hitting the other deputies in the narrow hallway, which he estimated to be approximately 3½ feet wide.

Deputy Bergo said they ended up at the end of the hallway. He said he does not know if the suspect fell or if Deputy Roth took the suspect to the ground. Deputy Bergo said he tried to get to the right side of the suspect in order to grab his right hand and take him into custody. He said suddenly he heard one gunshot. He said the shot was

muffled and thought that someone had accidentally discharged their weapon because he did not think the suspect could have hidden a weapon on his person, based on the tight clothing he was wearing.

Deputy Bergo said he does not remember dropping his baton, but he remembers that all of a sudden he just drew his weapon instinctively. He said he started searching for where the round came from. He said he looked down and saw the suspect's hand with a Beretta in it. Deputy Bergo said he thought Deputy Roth had gotten shot in the stomach at first. He said he saw Deputy Roth's hand on top of the suspects and the gun coming upwards. He said at one point he was looking at the barrel of the gun and then another round went off and it felt like somebody had blown sand in his face.

Fearing for his life and the lives of the other deputies, Deputy Bergo then grabbed Deputy Roth by his collar and his vest with his left hand and moved him to his left. He said he reached over the top and fired two rapid shots. He said he then got a little closer and fired one contact shot into the back of the suspect's head because that was the only part of the suspect's body that was exposed. Deputy Bergo said as he fired his gun, he could not hear the shots going off. He said he was scared at the time because of the other deputies down the hallway behind him. He also thought Deputy Roth had taken a gut shot. He said he was concerned that the suspect would get off additional rounds. He said he started to fire his weapon a fourth time, but it jammed. Deputy Bergo said he attempted to clear his weapon but was unable to. He said for a brief moment he thought that he had fired all sixteen rounds.

Deputy Bergo said he reholstered his weapon and removed his backup weapon. He said at that point, Deputy Roth had regained control of his Beretta and noticed the suspect was not moving. Deputy Bergo said he did not hear any additional shots being fired after that. He said he had lost his hearing for the moment.

Deputy Bergo said a few seconds later he regained his hearing and could hear the women and children screaming. Deputy Bergo said he did not know that Deputy Roth had fired his weapon until after the incident. He said he does not know which deputy yelled out that Deputy Fender was hit.

Bergo said he left where the suspect was at and went into the room where they were taking Deputy Fender's vest off. Bergo said he saw that Fender's chest was bleeding; that was the most difficult part of the incident for him. He said Deputy Fender had been his trainee and they had spent a lot of months together in the radio car.

I.A.B. NOTE: Refer Exhibit A, for interview of Deputy Bergo on page #31 of the Homicide Book. Transcriptions of both interviews submitted with this case.

Deputy Grant Roth, #[redacted] was interviewed by Homicide investigators on October 29, 2006, at 1320 hours, and again on August 6, 2008, at 1250 hours by Sergeants Jack Ramirez and Irma Chevalier of IAB. Deputy Roth said he was working unit 262 EMs on the day of this incident. Deputy Roth said he responded to an assault with a deadly weapon call. He said the radio call indicated the suspect was armed with a knife. He said he heard Deputies Bergo and Fender advise units they were detaining a possible suspect on 35th Street and Palmdale Boulevard. He said he responded to their location to assist and realized they were detaining another victim. He said the victim directed them to [redacted] Dunmore Avenue.

Deputy Roth said this victim told them that the guy who had stabbed him was still at the Dunmore Avenue address. Deputy Roth said he and Deputy Mohr were the first two deputies on scene. He said another unit arrived and started setting up a containment. Deputy Roth said the following deputies were present at the location: Mohr, Crosby, Bergo, Fender, and Lemke. He said they approached the house from the south. He said they could see several people crammed in one room. The occupants were leaning out of the window yelling for the deputies to help them. A Hispanic male, approximately seventeen years old, told them there was a guy inside the house stabbing at their bedroom door. They told them that the guy had just stabbed somebody and was trying to kill them.

Deputy Roth said they quickly formulated a plan to make entry into the house due to the exigency of the situation. He said they approached the house as an active shooter situation. Deputy Roth said as they approached the house, he looked through the kitchen window and saw a male Hispanic, mid-twenties, wearing a gray hooded sweatshirt, with lots of blood on his clothing.

Deputy Roth said the male matched the description given to them by all three of the stabbing victims. He said the suspect had a crazed look on his face and definitely appeared to be under the influence of drugs. Deputy Roth said he was first through the front door and they all moved to the right as they made entry into the location. He said Deputy Bergo was in the number two position and Deputy Mohr was in the number three position. Deputy Roth said as they made entry, the suspect appeared to come from the hallway. The deputies all fanned out to the right and cleared the kitchen area first.

Roth said they detained the suspect at gun point and told him to take his hands out of his pockets. The suspect took his hands out of his pockets and was holding a knife in his right hand. Deputy Roth said they told the suspect to drop the knife, which he did. They told him to turn around and to put his hands behind his back and to lie down on the ground. The suspect refused to cooperate and placed his hands back in his pockets. The suspect just stared at them with a crazy look on his face. The suspect then took a half step forward toward the knife. Deputy Roth said he immediately delivered a front snap kick to the suspect's mid torso area with his right leg because he

was afraid the suspect would retrieve the knife and use it against them. The kick knocked the suspect back against the wall momentarily, but it did not have much effect. The suspect stepped forward, then turned to his right as if he were going to run down the hallway. The suspect then suddenly stopped and reached down as if he were going to pick up the knife. Roth said he kicked the suspect a second time with his right leg. He said this kick caused the suspect to stand straight up against the wall. The suspect then ran down the hallway towards where the women and children were.

Deputy Roth said he had his weapon drawn during both kicks. He said as he kicked the suspect, he would step back, keeping a reactionary gap between him and the suspect. He said he kept a distance of approximately three to five feet away from the suspect.

Deputy Roth said he followed the suspect down the hallway, at the same time telling him to stop and to get on the ground. Deputy Roth said he reholstered his weapon as he walked down the hallway. He said he made a decision to take the suspect down to the ground because he did not want the suspect to reach the bedroom where the women and children were. He said as he reholstered his weapon, the suspect stopped and turned around. He said the suspect took a combative stance. Deputy Roth said he struck the suspect on the left side of his head with his right fist. He said the suspect went backwards against one of the bedroom doors. He said it still did not appear that the head strike affected the suspect. Deputy Roth said he hit the suspect with everything he had, but he was amazed that it did not even stun the suspect.

Deputy Roth said he grabbed the suspect by his left shoulder and took him to the ground. He said approximately a second and a half later he heard a gunshot. He was on top of the suspect and he the suspect were both facing west (the suspect was on his stomach) toward the other Deputies. The hallway was dark because there was very little light. Deputy Roth said after the first gunshot he did not know what to think. He did not know if the suspect was shooting or if it was one of the other deputies shooting. Immediately after the first gunshot, Roth saw the suspect come up with the gun from underneath his stomach. He immediately recognized the 92F and thought that he had to get control of the weapon and stop the threat. He said he thought the suspect had the gun in his right hand.

Deputy Roth said during the struggle for the gun, the suspect pointed the gun at the other deputies who were positioned down the hallway. He said with both hands he put the suspect's hands and gun back towards the floor. He said the suspect was able to pivot his wrist and brought the gun up in an upward motion and pointed directly at his face. He said he saw the suspect's finger on the trigger. Deputy Roth said he saw the suspect squeezing the trigger and he pulled his head back to the right. Deputy Roth said as he pulled his head back, the gun went off and he saw the muzzle flash. He said the round went straight up into the ceiling.

Deputy Roth said after the second shot, he heard Deputy Berg's gun fire three times. He said Deputy Bergo was positioned above him to the right. He said he thinks Deputy Bergo reached over the top of him and fired into the suspect's upper neck and upper head area. He said after Deputy Bergo fired his third round, his weapon malfunctioned. Deputy Roth said as Deputy Bergo was firing his weapon, he was able to regain control of his weapon. The suspect was still struggling for the weapon. Deputy Roth fired one round to the back of the suspect's head, ending the confrontation.

Deputy Roth said he then checked the suspect's pulse. He said approximately twenty seconds later, he heard someone yell out that "Joey" (Deputy Fender) had been shot. He said once he realized the suspect was dead, he got up and walked down the hallway where Joey was. He said they had already put him on a Gurney and were taking him away. He said he talked to Deputy Fender momentarily before they took him away. He said Deputy Fender's vest had stopped the round.

I.A.B. NOTE: Refer to Exhibit A, for the Interview of Deputy Roth, page 34 of the Homicide Book. Transcriptions of the both interviews submitted with this case.

DEPARTMENT WITNESSES:

Deputy Joseph Fender, #[redacted] was interviewed by Homicide investigators on October 30, 2006, at 1520 hours, and again on August 6, 2008, by Sergeants Jack Ramirez and Irma Chevalier of Internal Affairs Bureau. Deputy Fender said on October 29,2006, he was working 266A EM's with his partner Deputy Chris Berg. He said they responded to a 245 now call at [redacted]. He said the call came out at approximately 0200 hours. He said they were first on-scene. As they arrived, they saw a male Hispanic, Victim [redacted] walking westbound on Avenue Q4, away from [redacted] They could see that he had blood on his arms and hands, and on the front of his shirt.

Deputy Fender said the male spoke broken English but they were able to determine that he was a victim. He said they believed the suspect was still inside of the location. While they were at the location, a second male Hispanic, Victim [redacted] exited the front door. This male Hispanic had blood all over his chest and arms. Deputy Fender said the suspect of the 245 was not at the [redacted] East AvenueQ4 location, so they began to canvass the neighborhood for the suspect. They then saw a third male Hispanic, Victim [redacted] on 35th Street East approaching Palmdale Boulevard.

Deputy Fender said as they illuminated the male Hispanic with their spotlight, they could see that he had blood all over his forearms and hands. They detained him, thinking that he was the suspect. Another unit arrived on scene and translated for them. Victim [redacted] told them his roommate, [redacted] had stabbed him. Victim

[redacted] told them he lived at [redacted] Victim [redacted] told them Suspect Mora came home and told him that he had just killed two people. Victim [redacted] told them the suspect was covered in blood. He told Deputies Berg and Fender that he tried to take the knife away from the suspect but was unsuccessful. Victim [redacted] told them Suspect Mora was still at the Dunmore location.

Deputy Fender said he told other units the suspect was probably going to be at [redacted] Dunmore Avenue. Deputy Fender said they drove to the Dunmore location and they parked south of the location. He said there were units already on scene. He said the following deputies were at the location: Berg, Roth, Mohr, Crosby, and Lemke. Deputy Fender said as they are walking northbound on Dunmore Avenue, there was a female Hispanic hanging out of the north bedroom window. She said that there was a guy in the house killing her family and for the deputies to get inside her house.

Deputy Fender said Deputy Berg started asking other deputies if they had a Taser, but no one did. He said one of the deputies had the shotgun. They quickly formulated a plan and discussed how they were going to make entry into the residence.

Deputy Berg led the way, followed by Roth, Fender and Crosby. Fender said as they approached the front door, they could see the suspect through the kitchen window. The suspect was pacing back and forth. They could not tell if the suspect was armed from their vantage point. The clothing description given by Victim [redacted] matched the suspect's. The suspect was approximately twelve to fifteen feet away from their position. Deputies Berg and Roth were positioned at the front door and he was directly behind them. As they made entry into the location, they did not see the suspect. When they were inside of the location, the suspect came from the hallway.

Fender said he saw the suspect holding a knife in his right hand. He said they had their weapons out and they were telling him to drop the knife. The suspect had a crazed look on his face, and it appeared as if he were under the influence of drugs. The suspect was approximately ten to twelve feet away from them. The suspect was covered in blood and they were telling him to drop the knife. Deputy Fender said he thought they were going to have to shoot the suspect because he took a step toward them while he was still holding the knife. After several commands, the suspect finally dropped the knife the ground.

Deputy Fender said after the suspect dropped the knife, he just stood there. The deputies yelled for him to step backwards away from the knife, but he just stood there. Deputy Roth did a forward kick and kicked the suspect in the mid-section in order to keep him away from the knife. The suspect went backward up against the wall. They told him to get on the ground and not to get close to the knife. They also told him to get on the ground and to put his hands behind his back. The suspect did not respond to their commands. The suspect started to step toward the knife and he started to

bend down to pick it up when Deputy Roth kicked the suspect a second time in the upper chest. The suspect hit the wall and began to growl at them.

Deputy Fender said the suspect turned right and began to walk down the hallway toward the bedroom at end of the hallway where the women and children were barricaded. Deputy Fender said the only light on in the residence is the kitchen light. He said the hallway was pitch black. He said they illuminated the hallway with their flashlights as the suspect was walking eastbound down the hallway.

Deputy Roth followed the suspect and caught him midway into the hallway. Fender could barely see Deputy Roth. Deputy Fender said he heard what sounded like fighting in the hallway. Deputy Fender said they put their weapons away and he saw Deputy Berg follow Deputy Roth into the hallway. Fender could only see a couple of feet in front of him.

Deputy Fender saw Deputy Berg remove his expandable baton. As he got to where Deputy Berg was, Fender saw that Berg was slumped forward in an effort to help Deputy Roth. Deputy Fender now realized that Roth and the suspect were fighting on the ground. Deputy Berg was on top trying to assist Roth, but Fender could not really see anyone hitting each other because of the darkness. At one point Fender tripped over Deputies Berg and Roth. He said the hallway was only 31/2 feet wide. Fender remembered putting his hand on Deputy Bergo's back and prepared to unsnap his handcuff case. As he unsnapped his handcuff case, he heard two gunshots. He had no idea who had fired the gunshots.

Fender said he saw the muzzle flash. He was right on top of the deputies when the gunshots went off. He tried to assist Deputies Berg and Roth but tripped over them, causing him to roll over to his right side.

Deputy Fender said as he rolled to his right, his upper body was in one of the rooms; the lower portion of his body was still in the hallway. As he started to get back up, he heard four or five more gunshots. He then heard Deputy Berg say, "He's down, he's down. I put two in his head." Deputy Fender said that is all he remembered. Deputy Fender stood up and started walking to the living room. He suddenly felt a burning sensation coming from his chest. He saw Deputy Lemke in the living room and told Lemke that he thought that he had been shot. Deputy Fender said he and Lemke unzipped his uniform shirt down and saw a hole in his vest. They pulled back his vest and saw blood on his vest and t-shirt, so he knew that he had been shot. He said he was transported to the hospital after that.

I.A.B. NOTE: Refer Exhibit A, for the Interview of Deputy Fender on page 38 of the Homicide Book. Both transcriptions will be submitted with this case.

Deputy Charles Lemke, #[redacted] was interviewed by Homicide investigators on October 29, 2006, at 1207 hours, and again by Sergeant Marshal Baird of Internal Affairs Bureau on December 8, 2007. Lemke said he was working unit 262T1 on October 29, 2006. He heard a stabbing call over the radio on Avenue Q4. He started to respond to that location when he heard Deputies Fender and Berg advise they were detaining a possible suspect at 35th Street and Palmdale Boulevard.

Lemke said the person they were detaining was the third victim of the 245. Deputies Berg and Fender put out information that the suspect of the 245 was possibly at [redacted] Dunmore Avenue. As he arrived at the Dunmore address, Lemke heard a lady yelling for help and advising that [the suspect] was in the house. Lemke started setting up a containment.

He Lemke said there was a discussion among the deputies on scene in regards to making entry into the location. They made an assessment and felt the lady's life was in danger. As they approached the house, they looked through the window that was closest to the front door. They saw the suspect wearing a light colored shirt with blood all over it.

As Lemke recalled, Deputy Berg was the first one inside of the residence, he was second, and Deputy Roth was third. As they entered the location, they were yelling, "Sheriff's Department." The suspect came from the hallway toward their location with his hands in his pockets. The deputies yelled at him to remove his hands from his pockets.

Lemke remembered the suspect having a knife in his left hand as he removed his hands from his pockets. Deputy Lemke told Sergeant Baird the suspect dropped the knife then put his hands back inside of his pockets. He said they started yelling for him to take his hands out of his pockets. He said the suspect did not comply. He told Sergeant Baird the suspect mumbled something then just turned and started walking down the hallway.

Deputy Lemke said that Deputy Mohr had acknowledged that he had a Taser, but he did not feel there was enough time to deploy the Taser because everything was happening so quickly. Deputy Roth approached the suspect and gave him a thrust kick to his stomach, prior to him turning and walking down the hallway. The kick did not appear to have any effect on the suspect. Roth kicked the suspect a second time.

As Lemke recalled, from that point on it was a grapple session between Deputy Roth and the suspect. They were midway down the hallway during the struggle. Lemke recalled Deputy Roth struggling with the suspect and Deputy Berg trying to assist. The hallway was dark and all he remembered seeing was tan shirts. The struggle moved to the end of the hallway, at which time he heard about two or three gunshots. He did not know if the gunshots were coming from the suspect or the deputies.

Lemke removed his weapon and started assessing where the gunfire had come from. He then saw the suspect on the ground holding a gun. The gun was facing him and he remembered someone yelling, "He has a gun." Lemke saw a deputy's hand on top of the suspect's forearm area.

Lemke saw muzzle flash as the rounds were being fired. He felt bullets whizzing past the lower half of his body. He held his position and attempted to find cover.

Lemke saw Deputy Bergo come up over the crowd and placed his gun close to the suspect's head or neck area. He heard Deputy Bergo's gun go off a couple of times. He did not see Deputy Bergo's gun go off, he only heard it going off.

After the gun shots, Deputy Fender got up from where the struggle had occurred and stumbled in front of him. Deputy Fender had a distressed look on his face and told Deputy Lemke that he had been shot. Deputy Lemke grabbed Deputy Fender by his shoulders and pulled him out of the hallway.

Deputy Lemke requested paramedics and advised that a deputy had been shot. He started talking to Deputy Fender in an effort to calm him down. He started taking off Fender's shirt and looking under his vest in an effort to find his wound. He said Deputy Fender had a little bit of blood underneath his vest. The wound was more of an impact break of the skin.

I.A.B. NOTE: Refer to Exhibit A, for the Interview of Deputy Lemke, on page 51 of the Homicide Book. Both transcriptions submitted with this case.

Deputy Brian Mohr, #[redacted] was interviewed by Homicide investigators on October 29, 2006, at 1309 hours, and again by Sergeant Baird of Internal Affairs Bureau on December 8, 2007. Deputy Mohr said he was working unit 261 EMs on October 29, 2006. He said he heard a call come out of a 245, so he responded. He arrived at 35th Street East and Palmdale Boulevard in response to Deputy Fender's request for assistance in regards to the 245. The person being detained turned out to be a victim, who told the deputies that the person who stabbed him was now on Dunmore Avenue.

Deputy Mohr and Deputy Roth arrived on-scene first. Deputy Crosby arrived after them. Mohr heard a lady screaming from east facing window of the location's north bedroom. The lady was screaming, "He's in here and he's stabbing people." There also was a bunch of kids screaming, and there was also a juvenile there.

Deputy Mohr recalled the following deputies at the location: Roth, Berg, and Fender. They started to approach the house when they saw the suspect through a window. The suspect had his hands up in the air and was covered in blood.

Deputy Mohr recalled that Deputies Roth and Berg entered the house first. Mohr believed he had a taser but was not sure if he had left it in his car. Deputy Crosby had a shotgun. As they entered the house the suspect appeared from the hallway. The suspect had his hands out to his side and Deputy Roth was giving commands to the suspect. Deputy Roth told the suspect to keep his hands up. Mohr could not remember anything else about making entry into the house.

The suspect started walking down the hallway. Deputy Roth followed the suspect, then Deputy Berg followed behind. Mohr saw Deputy Berg pull out his expandable baton. Mohr thought they were just going to use force on the suspect and then handcuff him. Mohr followed behind Deputy Berg; he thought Deputy Crosby was behind him.

About midpoint down the hallway, Deputy Roth engaged the suspect. Deputy Mohr heard Deputy Roth telling the suspect to get down on the ground. Suddenly, Mohr saw Deputies Roth and Berg struggling with the suspect on the ground. Mohr was trying to clear one of the bedrooms in the south portion of the house, when he heard the first gunshot. He did not know who had fired the gunshot. He said as he was backing out of the bedroom, he heard the second shot. He said he saw Deputy Fender as he exited the bedroom. Fender must have been standing behind him when he got hit because he heard Fender say, "I'm hit." He looked at Deputy Fender and he could see his left arm was hanging down.

Deputy Mohr grabbed Deputy Fender by the vest and pulled him into a small bathroom. He said he knew at that point the gunshots were coming from scuffle on the ground, but had no idea where the suspect had gotten the gun. While he was in the bathroom with Deputy Fender, Mohr heard two more gunshots; he realized Deputy Lemke was also inside of the bathroom. Deputy Lemke grabbed Deputy Fender and took him into the livingroom.

I.A.B. NOTE: Refer to Exhibit A, for the Interview of Deputy Roth on page 56 of the Homicide Book. Both transcriptions are submitted with this case.

Deputy Steven Crosby, #[redacted], was interviewed on October 29, 2006, at 1115 hours, by Homicide Investigators and Sergeant Richard Smith of Internal Affairs Bureau. The interview was conducted at Palmdale Sheriff's Station and was tape recorded.

Deputy Crosby said he was working unit 263T1 during the early morning hours, when he responded to an assault call--a person stabbed with a knife. As he was responding to the call, he received additional information that a second stabbing victim was at the location and that the suspect had fled on foot.

Deputy Crosby said that he began to canvass the area for the suspect when assisting units received additional information that a third victim had been located. That third victim advised deputies that the suspect had attacked him, and gave deputies the location of where the suspect could be located. Crosby and assisting units responded to the Dunmore Avenue location. Upon his arrival, Crosby heard women and children asking for help. The residents of the home told deputies the suspect was in the home, kicking doors and--armed with a knife--stabbing, or trying to stab them.

Deputy Crosby said he could see there were two adult females and six small children yelling for help from inside the house as units were arriving. Deputies approached the front of the location and decided to enter the home, based on the information they had received from the residents.

As deputies approached the front door, Crosby was able to see the suspect inside through a bedroom window, and noticed the suspect's hands were bloodied. The door to the home was wide open and as they approached he could see the suspect inside the home, standing in the livingroom and holding a knife in his hand.

Deputy Crosby said deputies entered the home and ordered the suspect to drop the weapon; he did, but refused to comply to any additional commands that were given to him. Crosby was armed with a shotgun at the time he was about to enter the home, and therefore decided to allow other deputies to approach the suspect, due to the narrow hallway in which the suspect was standing.

Deputy Crosby said that as assisting deputies approached the suspect, the suspect retreated towards the bedrooms were the residents were located. Deputies advanced on the suspect and began to struggle with him as they attempted to restrain him. Crosby noticed deputies struggling on the floor, near the bedroom doors. He noticed two deputies fighting with the suspect and suddenly heard one of the deputies yelling, "He's got a gun, " or, "He's got my gun."

Deputy Crosby said he had been standing a distance from the deputies who were engaged in the fight with the suspect, but could see what was occurring as the struggle continued. The lighting in the hallway was dim and limited. Soon after hearing that the suspect had a gun, Crosby heard what sounded like three to five gunshots. He said the gunshots were not in rapid succession, but he clearly heard the sound of gunfire. He also looked and noticed the suspect was in possession of a handgun. He said he could see the suspect in possession of a handgun and deputies struggling for control of the gun.

Deputy Crosby said there was a very brief pause between the gunshots as the struggle continued for possession of the suspect's weapon. He took cover in a bedroom doorway when he heard the gunshots. Seconds after taking cover in the doorway, he heard two additional gunshots and deputies saying the suspect was shot. Immediately

after the gunshots, he heard and noticed that Deputy Fender had been struck by gunfire.

Deputy Crosby said he had been the first deputy to arrive at the Dunmore Avenue location, and the first to contact the hysterical residents inside the bedrooms. He said as additional units arrived, he grabbed his shotgun and could not engage or assist the other deputies involved in the struggle. He said as he stood away from the deputies confronting the suspect, he also noticed one of the deputies kick the suspect as the suspect appeared to advance towards the deputies standing in front of him. He said after the incident and gunshots, he cleared his shotgun and he accidentally dropped a shotgun shell on the floor; he left it where it landed inside of the house.

Deputy Crosby said he never un-holstered his handgun and did not have a clear line of fire with the shotgun, given the proximity of his partners to the armed suspect. He also heard Deputy Fender had been shot during the struggle and heard Deputy Berg tell him that the suspect had been shot.

I.A.B. NOTE: Refer Exhibit A, for the interview by Homicide Investigators and Internal affairs Bureau interview of Deputy Crosby, page 29 of the Homicide Book.

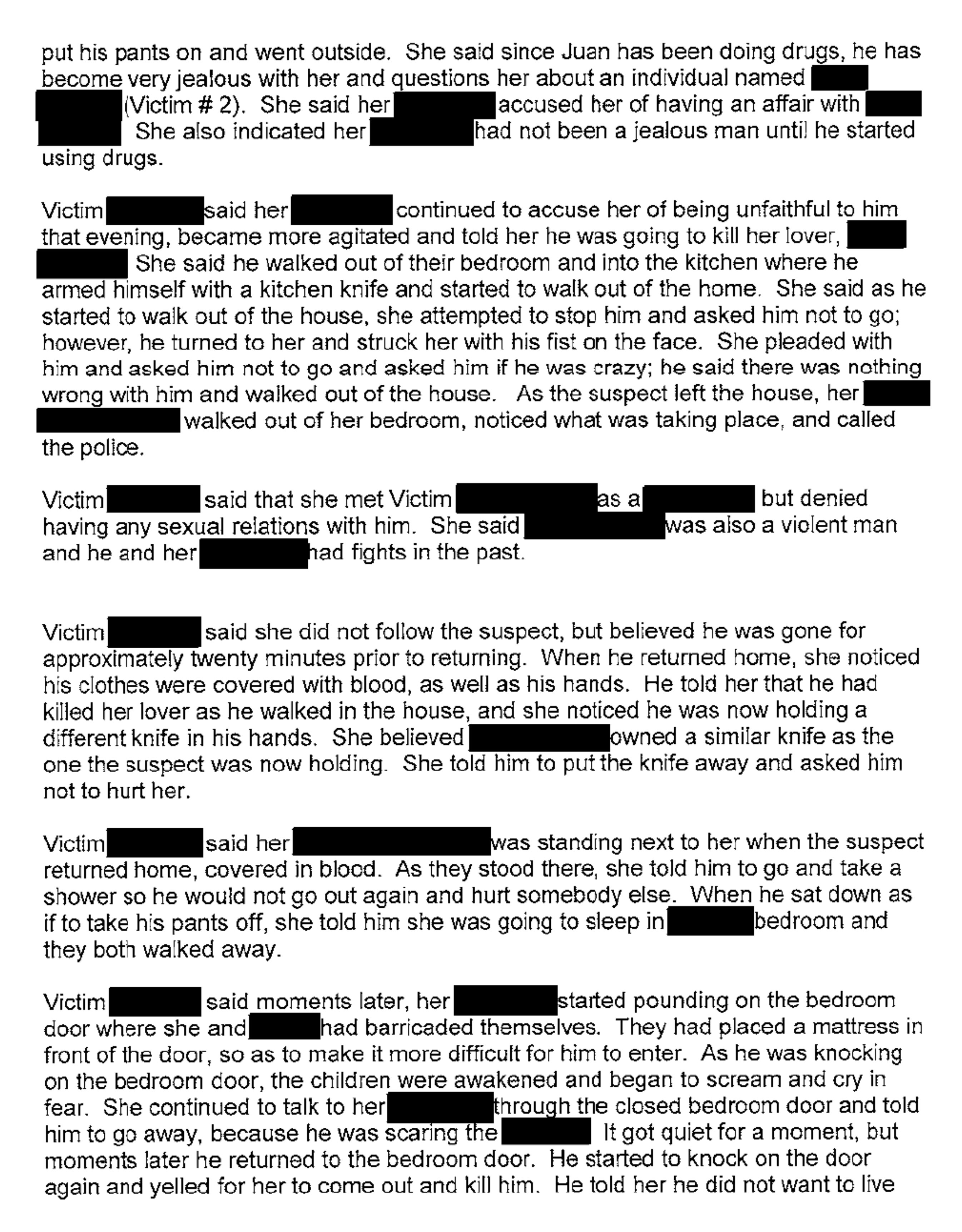
NON-DEPARTMENT WITNESSES:

[redacted] **FH/22,** was interviewed on October 29, 2006, at approximately 0855 hours, by Homicide Investigators. The interview was conducted in Spanish and was recorded. Sergeant Richard Smith of Internal Affairs Bureau was also present.

Victim [redacted] told investigators that she resided at the [redacted] location and shared the home with her [redacted] who occupy separate bedrooms with their [redacted] Victim [redacted] said she and her [redacted] Juan Alberto Mora Cortez (suspect), occupied the third bedroom.

Victim [redacted] told investigators, she had known Juan Mora for approximately five years. She said her [redacted] and their [redacted] lived at the home together with Juan. She told investigators everything had been fine the evening before the incident, (Saturday, 10-28-06). She and Juan had visited her [redacted] in the San Fernando Valley and had returned home Saturday evening. She said they arrived home on Saturday, ate dinner and watched television prior to going to bed.

Victim [redacted] said on Sunday, 10-29-06, at approximately 0200 hours, her [redacted] Juan woke up from his sleep and told her he was going out for a cigarette. She said she also got up, went to the bathroom and noticed Juan seemed agitated and unable to locate his cigarettes. She told him they were probably in his pants, at which time he



put his pants on and went outside. She said since Juan has been doing drugs, he has become very jealous with her and questions her about an individual named [redacted] (Victim # 2). She said her [redacted] accused her of having an affair with [redacted] She also indicated her [redacted] had not been a jealous man until he started using drugs.

Victim [redacted] said her [redacted] continued to accuse her of being unfaithful to him that evening, became more agitated and told her he was going to kill her lover, [redacted] She said he walked out of their bedroom and into the kitchen where he armed himself with a kitchen knife and started to walk out of the home. She said as he started to walk out of the house, she attempted to stop him and asked him not to go; however, he turned to her and struck her with his fist on the face. She pleaded with him and asked him not to go and asked him if he was crazy; he said there was nothing wrong with him and walked out of the house. As the suspect left the house, her [redacted] walked out of her bedroom, noticed what was taking place, and called the police.

Victim [redacted] said that she met Victim [redacted] as a [redacted] but denied having any sexual relations with him. She said [redacted] was also a violent man and he and her [redacted] had fights in the past.

Victim [redacted] said she did not follow the suspect, but believed he was gone for approximately twenty minutes prior to returning. When he returned home, she noticed his clothes were covered with blood, as well as his hands. He told her that he had killed her lover as he walked in the house, and she noticed he was now holding a different knife in his hands. She believed [redacted] owned a similar knife as the one the suspect was now holding. She told him to put the knife away and asked him not to hurt her.

Victim [redacted] said her [redacted] was standing next to her when the suspect returned home, covered in blood. As they stood there, she told him to go and take a shower so he would not go out again and hurt somebody else. When he sat down as if to take his pants off, she told him she was going to sleep in [redacted] bedroom and they both walked away.

Victim [redacted] said moments later, her [redacted] started pounding on the bedroom door where she and [redacted] had barricaded themselves. They had placed a mattress in front of the door, so as to make it more difficult for him to enter. As he was knocking on the bedroom door, the children were awakened and began to scream and cry in fear. She continued to talk to her [redacted] through the closed bedroom door and told him to go away, because he was scaring the [redacted] It got quiet for a moment, but moments later he returned to the bedroom door. He started to knock on the door again and yelled for her to come out and kill him. He told her he did not want to live

anymore and asked her to kill him. She said she knew the police were on their way and were going to arrive at any moment. She continued to try and assure her [redacted] that she loved him, at which time he began to loudly knock on the other bedroom door where her [redacted] had barricaded herself with her [redacted] attempted to call the police again, but the receiver was off the house telephone and it was not functioning. She could hear her [redacted] telling [redacted] that he wanted [redacted] to kill him.

Victim [redacted] said that deputies arrived and the family began to scream through the bedroom window for help. She said [redacted] and her [redacted] were screaming at deputies and heard them telling the police that her [redacted] was inside of the house. She said she and the family had left the front door of the house wide open so police could see the light and quickly locate them. She indicated she could not understand exactly what [redacted] was telling the police, but could see [redacted] directing them to the front door, where they could see her [redacted] the suspect.

Victim [redacted] said it got very quiet for a moment, then she heard deputies screaming at her [redacted] She heard what she believed was pounding on the walls outside the bedroom, and finally heard several gunshots. [redacted] did not speak English, and therefore could not understand what was being said to her [redacted] in the hallway. She said she then heard approximately six or seven gunshots, and moments later noticed several deputies at the bedroom windows, helping them out.

Victim [redacted] said that when her [redacted] struck her with his fists, the blow caused a bloody nose, which caused her to stain her blouse and shorts with blood. She said the blood on her clothes was hers. She said the small cuts and scratches on her legs were caused when she was assisted in getting out through the window. She concluded by telling Investigators that her [redacted] Juan Mora, began using Crystal Methamphetamine sometime in July, 2006. She started to notice her [redacted] behaving very strangely, telling her that he could talk to the devil and telling her that when he looked in the mirror, he could see her with another man.

I.A.B. NOTE: Refer to Exhibit A, page 22 of the Homicide Book for a summary of Victim [redacted] interview.

I.A.B. NOTE: None of the civilians inside the incident residence witnessed the struggle or shooting. Refer to the Homicide case book, Exhibit A, for summaries of interviews of Witness [redacted] (page 25), Witness [redacted] (page 26), and Witness [redacted] (page 28) Homicide Book.

I.A.B. NOTE: Victims [redacted] and [redacted] were assaulted with a knife by Suspect Juan Mora on October 29, 2006. Refer to Exhibit A, page 1 of the Homicide Book for details and their statements.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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October 22, 2007

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #: 06-0674
L.A.S.D. File #: 006-80132-2608-013

Dear Captain Curtis:

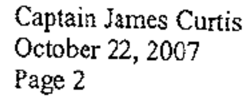
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 29, 2006, fatal shooting of Juan Mora by Los Angeles County Sheriff's Deputies Grant Roth and Keith Bergo. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

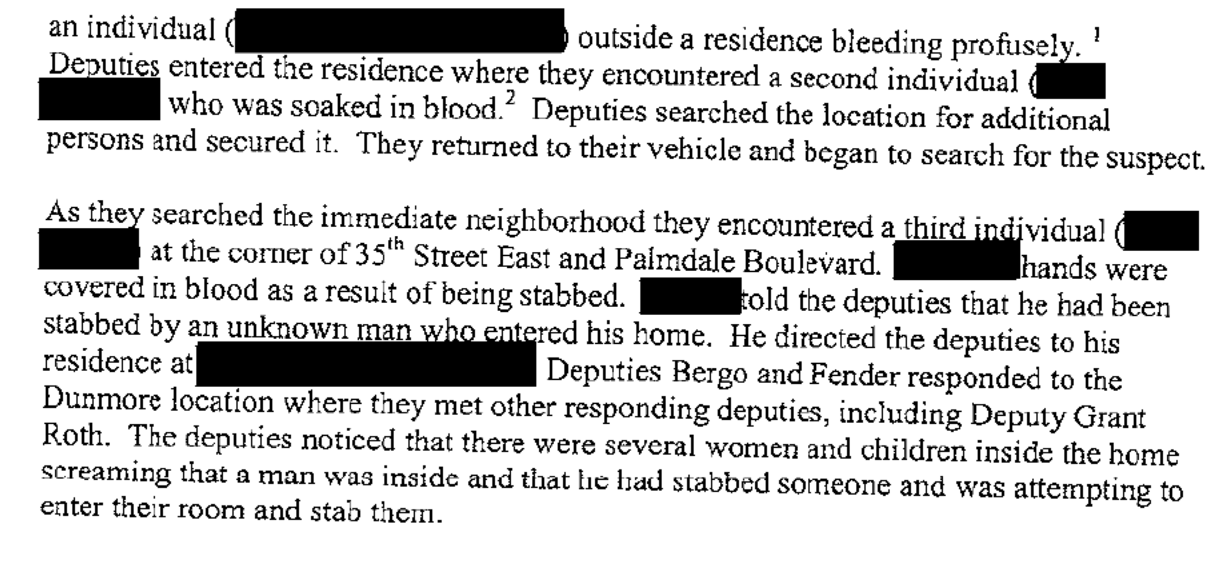
The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) submitted to this office by Detectives Joe Romero and George Martinez on May 15, 2007. The District Attorney Command Center was notified of the shooting at approximately 5:35 a.m. on October 29, 2006. The District Attorney Response Team, comprised of Deputy District Attorney Gilbert Wright and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk through" of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On October 29, 2006 at approximately 3:25 a.m., LASD Deputies Christopher Bergo and Joseph Fender were on patrol in the City of Palmdale, when they received a call of an assault with a deadly weapon. They responded to Avenue Q-4 where they encountered

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an individual ([redacted]) outside a residence bleeding profusely.[1] Deputies entered the residence where they encountered a second individual ([redacted] who was soaked in blood.[2] Deputies searched the location for additional persons and secured it. They returned to their vehicle and began to search for the suspect.

As they searched the immediate neighborhood they encountered a third individual ([redacted] at the corner of 35th Street East and Palmdale Boulevard. [redacted] hands were covered in blood as a result of being stabbed. [redacted] told the deputies that he had been stabbed by an unknown man who entered his home. He directed the deputies to his residence at [redacted] Deputies Bergo and Fender responded to the Dunmore location where they met other responding deputies, including Deputy Grant Roth. The deputies noticed that there were several women and children inside the home screaming that a man was inside and that he had stabbed someone and was attempting to enter their room and stab them.

Deputy Bergo and assisting deputies approached the front door and noticed an individual later identified as Juan Mora inside the house holding a knife. Mora appeared to be under the influence and had a "crazy look on his face." Deputies entered the house and ordered Mora to take his hands out of his pockets. Mora complied producing a knife and dropping it to the floor. He then placed his hands in his pockets and refused commands to show his hands and lay on the floor. Mora attempted to pick up the knife. As he tried to grab the knife, Deputy Roth kicked Mora twice to prevent him from regaining possession of the knife. Mora then began to walk down the hall in the direction of the bedrooms where the woman and children were located.

Mora continued to disregard the deputies commands to lay on the ground, at which time he turned, faced the deputies put his hands down his sides and took a combative stance facing the deputies. Deputy Roth grabbed the suspect by the shoulders and took him to the ground. During the struggle Roth heard a gunshot. He looked down and noticed that the suspect had obtained possession of his duty weapon. He attempted to regain control of his weapon and a second shot was fired. As Roth continued to struggle for possession of the handgun, Mora turned the weapon in his and Deputy Bergo's direction. Roth was able to push the suspect's hand down and move his head from the line of fire as the suspect fired a third time. One of the shots fired by the suspect hit Deputy Joseph Fender in the chest.[3]

Believing that Deputy Roth had been shot, Deputy Bergo unholstered his weapon, reached over the top of Deputy Roth's shoulder and fired approximately three times in the direction of Mora's head. Roth was able to regain possession of his weapon and fire approximately two times in the direction of Mora's head. Mora stopped struggling.

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1 [redacted] suffered numerous stab wounds to the upper body and legs. He recovered from his injuries.
2 [redacted] suffered numerous stab wounds to the upper body. He recovered from his injuries.
3 Deputy Fender was wearing a protective vest and did not suffer life threatening injuries.

Paramedics were called and responded to the scene. Mora was pronounced dead at the scene without any medical intervention at 4:00 a.m. Mora sustained multiple gunshot wounds to the head. A toxicology test indicated the presence of methamphetamine in Mora's blood.

Investigators learned that Mora began using crystal methamphetamine sometime in July, 2006. [redacted] Mora's [redacted] told investigators that since Mora had begun using drugs he had become jealous and accused her of having an affair with [redacted] shared the residence with [redacted] and their [redacted]

On the date of this incident, Mora accused her of being unfaithful and stated he was going to kill [redacted] Mora armed himself with a knife and started to walk out the door. [redacted] confronted Mora and attempted to stop him from leaving the house. Mora struck [redacted] in the face with a fist and left the location.

[redacted] stated that Mora was gone for approximately twenty minutes prior to returning. When he returned home she noticed that his clothes were covered with blood, as well as his hands. Mora told her that he had killed her [redacted] as he walked into the house. [redacted] went to her [redacted]oom, [redacted] and barricaded the door. Moments later Mora started pounding on the door. [redacted] and her [redacted] placed a mattress in front of the door so as to make it more difficult for him to enter. Mora continued to knock on the door and told [redacted] that he did not want to live anymore and asked her to kill him.

Deputies arrived and the family began to scream through the bedroom window for them to help. [redacted] stated that the front door was left open so the police could see the light and quickly locate them. She heard the deputies yelling at Mora and what she thought was pounding on the walls outside the bedroom. She then heard several gunshots. Moments later deputies were at her window helping them out.

[redacted] told investigators that she heard the deputies enter the residence shouting commands at Mora to "get down, get down." She then heard what sounded like fighting or struggling in the hallway. A short time later she heard the sounds of several shots being fired.

CONCLUSION

California law permits the use of deadly force in self-defense when that person reasonably believes that he or she is in imminent danger of being killed or suffering great bodily injury and the use of deadly force is necessary to protect against that danger. *Judicial Council of California Criminal Jury Instructions (CALCRIM 505).* *People v. Williams, (1977) 75 Cal App.3d 731.*

The evidence examined in this investigation shows that Mora was on a mission to kill [redacted] and in the process he attempted to kill two other individuals. When

confronted by Deputy Roth, Mora was able to obtain control of Roth's weapon and fire several rounds. One of the rounds hit Deputy Fender in the chest. Deputy Bergo shot at Mora, saving Deputy Roth's life and preventing any further harm to other deputies and persons in the residence. After, reacquiring control of his weapon, Deputy Roth also fired rounds at Mora to end the confrontation.

We conclude that Deputy Roth and Bergo acted reasonably and lawfully in self-defense and in defense of others when they used deadly force against Juan Mora. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

ROY DELGADO
Deputy District Attorney
(213) 974-3888

c: Deputy Grand Roth, Serial #[redacted]
Deputy Christopher Bergo, Serial #[redacted]